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United States Attorney
Southern District of New York

The Silvio J. Mollo Building
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February 4, 2008

By fax

The Honorable Paul A. Crotty
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Luis Rivera, 07 Cr. 481 (PAC)

Application GRANTED. The conference is adjourned to 2/12/08 at 3:30 PM in Courtroom 20C. It is further that pursuant to 18 U.S.C. 3161 (b) (8) (A), the time from 2/16/08 until 2/12/08 is excluded in the interest of justice. I find that this exclusion outweighs the best interest of the defendant and the public is a speedy trial. So Ordered.

SO ORDERED: FEB 05 2008

HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

Dear Judge Crotty:

This matter is scheduled for a pre-trial conference on February 6, 2008. Over the past several weeks, the Government and defense counsel have been engaged in discussions regarding the terms of a plea agreement. The parties are in agreement that Mr. Rivera may be eligible for sentencing relief under the "safety valve" and defense counsel has asked the Government to schedule the "safety valve" proffer in advance of entering into a plea agreement, in light of the applicable 10-year mandatory minimum sentence absent this form of relief.

Accordingly, the parties respectfully request that this court adjourn the pre-trial conference to the week of February 25, 2008 at a time convenient for the Court. In the interim, defense counsel will be making arrangements with the United States Marshal Service to transport Mr. Rivera to this District during the week of February 11, 2008 for the "safety valve" proffer. The parties believe that the adjournment will give the parties sufficient time to complete the plea discussions, and further, will allow the Government sufficient time to assess whether Mr. Rivera has proffered credible information showing that he is eligible for "safety valve" relief. It is our expectation that at the next pre-trial conference, the defendant will enter a plea or elect a trial.

Thank you in advance for your time and consideration.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By:

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cc: Gary Becker, Esq.

MEMO ENDORSED